

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:13-cv-04553-K**

King et al v. DePuy Orthopaedics Inc et al
Assigned to: Judge Ed Kinkeade
Demand: \$75,000
Cause: 28:1332 Diversity-Product Liability

Date Filed: 11/14/2013
Date Terminated: 12/30/2022
Jury Demand: Both
Nature of Suit: 365 Torts/Pers Inj: Product Liability
Jurisdiction: Diversity

Special Master

Special Master

represented by **James M Stanton-2244**
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Plaintiff

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V.

Defendant

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Defendant

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Terri Bruksch
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Defendant

DePuy Inc

TERMINATED: 09/30/2022

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Defendant

DePuy International Limited
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Defendant

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Defendant**DePuy Synthes Inc**

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Date Filed	#	Docket Text
11/14/2013	<u>1</u>	COMPLAINT WITH JURY DEMAND against DePuy International Limited, DePuy Orthopedics, Inc., DePuy Products, Inc., DePuy, Inc., Johnson & Johnson, Johnson & Johnson International, Johnson & Johnson Services, Inc. filed by Michael King. (Filing fee \$400; Receipt number 0539-5686421) Clerk to issue summons(es). Filer indicates this case is related to MDL Case No. 2244, In re: DePuy Orthopedics, Inc., Pinnacle Hip Implant Products Liability Litigation, pending before Judge Ed Kinkeade. In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas should seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information – Bar Membership</u> (Attachments: # <u>1</u> Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons, # <u>4</u> Proposed Summons, # <u>5</u> Proposed Summons, # <u>6</u> Proposed Summons, # <u>7</u> Proposed Summons, # <u>8</u> Proposed Summons, # <u>9</u> Notice of Related, # <u>10</u> Certificate of Interested Parties) (Patrick, Charles) (Entered: 11/14/2013)
11/18/2013	<u>2</u>	Summons Issued as to DePuy Inc, DePuy International Limited, DePuy Orthopaedics Inc, DePuy Products Inc, Johnson & Johnson, Johnson & Johnson International, Johnson & Johnson Services Inc. (twd) (Entered: 11/18/2013)
12/06/2013	<u>3</u>	***DISREGARD, pdf attached from wrong case, attorney instructed to refile*** SUMMONS Returned Executed as to DePuy Orthopaedics Inc ; served on 11/25/2013; Johnson & Johnson ; served on 11/25/2013; Johnson & Johnson International ; served on 11/25/2013; Johnson & Johnson Services Inc ; served on 11/25/2013. (Attachments: # <u>1</u> Summons returned executed, # <u>2</u>

		Summons returned executed, # <u>3</u> Summons returned executed, # <u>4</u> Summons returned executed, # <u>5</u> Summons returned executed) (Patrick, Charles) Docket text modified on 12/9/2013 (twd). (Entered: 12/06/2013)
01/29/2014	<u>4</u>	NOTICE of Attorney Appearance by Jeffrey L Haberman on behalf of Deborah J King, Michael King. (Filer confirms contact info in ECF is current.) (Haberman, Jeffrey) (Entered: 01/29/2014)
04/06/2018	<u>5</u>	Notice of filing Case Management Orders The following orders have been filed in 3:11-md-2244 and are available by using the links provided below. <u>CASE MANAGEMENT ORDER NO. #10</u> <u>PINNACLE PLAINTIFF PROFILE FORM</u> <u>CASE MANAGEMENT ORDER NO. #11</u> <u>DEFENDANTS' FACT SHEET.</u> (lrl) (Entered: 04/06/2018)
08/16/2021	<u>6</u>	MOTION to Extend Time Extension of Time filed by Michael King (Haberman, Jeffrey) (Entered: 08/16/2021)
08/26/2021	<u>7</u>	ELECTRONIC ORDER – Before the Court is the Parties' Unopposed Motion to Extend CMO 12 Deadlines. The Court has been notified that the Parties will be conducting mediation, and therefore the Motion is GRANTED. The Parties are DIRECTED to file a Joint Status Report on Mediation 10 days after the mediation has occurred. Further, the Parties' shall comply with all Case Management Order No. 12 deadlines no later than November 20, 2021. (Ordered by Judge Ed Kinkeade on 8/26/2021) (chmb) (Entered: 08/26/2021)
11/22/2021	<u>8</u>	Unopposed MOTION for Extension of Time to Submit Expert Reports Pursuant to CMO No. 12 filed by Deborah J King, Michael King. ***FILED USING THE COURT'S EMERGENCY FILING EMAIL ADDRESS.*** (jmg) (Entered: 11/22/2021)
03/15/2022	<u>9</u>	Pursuant to the Court's Case Management Order No. 13 [Doc. 1150], the Court-appointed Special Master and Mediator requested that counsel for Plaintiff provide the most convenient city for Plaintiff to attend in-person mediation following an unsuccessful mediation Zoom mediation. The Parties have provided a city. The Mediator has confirmed the location and will provide a date, and the mediation will occur on or before May 31, 2022. (James M. Stanton – Special Master.) (chmb) (Entered: 03/15/2022)
05/02/2022	<u>10</u>	ELECTRONIC ORDER: Plaintiff is instructed to show cause within thirty (30) days why the claim should not be dismissed with prejudice for failure to prosecute pursuant to Case Management Order No. 12 ("CMO 12") [Dkt. 1054], because Defendant's Lead Counsel notified the Special Master that, after having been provided the requisite notice and 30 days to cure, Plaintiff has failed to fully comply with the requirements of CMO 12. (Ordered by Judge Ed Kinkeade on 5/2/2022) (chmb) (Entered: 05/02/2022)
05/30/2022	<u>11</u>	RESPONSE filed by Deborah J King, Michael King re: 10 Order,, (Attachments: # <u>1</u> Exhibit(s) A – Preservation Notices & List Upload, # <u>2</u> Exhibit(s) B – PFS Upload, # <u>3</u> Exhibit(s) C – PPF Upload, # <u>4</u> Exhibit(s) D – King Aff., # <u>5</u> Exhibit(s) E – Naide Report, # <u>6</u> Exhibit(s) F – Li Report, # <u>7</u> Exhibit(s) G – Email Jul. 22, 2021, # <u>8</u> Exhibit(s) H – Email Mar. 14, 2022, # <u>9</u> Exhibit(s) I – Email May 10, 2022, # <u>10</u> Exhibit(s) J – Email May 23, 2022) (Haberman, Jeffrey) (Entered: 05/30/2022)
06/13/2022	<u>12</u>	NOTICE of <i>Compliance with CMO 12 Obligations</i> filed by DePuy Inc, DePuy International Limited, DePuy Orthopaedics Inc, Johnson & Johnson, Johnson & Johnson International, Johnson & Johnson Medical Limited (Bruksch, Terri) (Entered: 06/13/2022)
07/01/2022	<u>13</u>	STATUS REPORT (<i>Defendants' Report</i>) filed by DePuy International Limited, DePuy Orthopaedics Inc, DePuy Products Inc, Johnson & Johnson Company, Johnson & Johnson Services

		Inc. (Bruksch, Terri) (Entered: 07/01/2022)
08/01/2022	<u>14</u>	STATUS REPORT (<i>Defendants' Report</i>) filed by DePuy International Limited, DePuy Orthopaedics Inc, DePuy Products Inc, Johnson & Johnson Company, Johnson & Johnson Services Inc. (Bruksch, Terri) (Entered: 08/01/2022)
09/01/2022	<u>15</u>	STATUS REPORT (<i>Defendants' Report</i>) filed by DePuy International Limited, DePuy Orthopaedics Inc, DePuy Products Inc, Johnson & Johnson Company, Johnson & Johnson Services Inc. (Bruksch, Terri) (Entered: 09/01/2022)
09/16/2022	<u>16</u>	SCHEDULING ORDER: Pursuant to Federal Rule of Civil Procedure 16(b), the Court enters this Scheduling Order: 1. Each Plaintiff shall amend pleadings by September 30, 2022; Each Defendant shall amend pleadings by October 14, 2022. 2. Each Plaintiff shall provide expert designations, materials, and reports required by the Federal Rules of Civil Procedure by October 28, 2022; the deposition of each Plaintiff expert shall be conducted between November 7, 2022, and November 18, 2022. 3. Each Defendant shall provide expert designations, materials, and reports required by the Federal Rules of Civil Procedure by November 4, 2022; the deposition of each Defendant expert shall be conducted between November 21, 2022 and December 2, 2022. 4. All discovery shall be completed by December 9, 2022. 5. All dispositive motions or Daubert motions shall be filed by December 16, 2022; and any response to the motions shall be filed by December 30, 2022. 6. The parties shall file motions in limine as well as any motions seeking to limit the testimony of any witness at trial for any reason by December 21, 2022. (Ordered by Judge Ed Kinkeade on 9/16/2022) (chmb) (Entered: 09/16/2022)
09/30/2022	<u>17</u>	AMENDED COMPLAINT WITH JURY DEMAND against DePuy Inc, DePuy Orthopaedics Inc, DePuy Products Inc, Johnson & Johnson, Johnson & Johnson International, Johnson & Johnson Services Inc, DePuy Synthes, Inc. filed by Michael King, Deborah J King. (One or more defendant(s) is no longer named.) Clerk to issue summons(es). Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Haberman, Jeffrey) (Entered: 09/30/2022)
10/03/2022	<u>18</u>	STATUS REPORT filed by DePuy International Limited, DePuy Orthopaedics Inc, DePuy Products Inc, Johnson & Johnson Company, Johnson & Johnson Services Inc. (Bruksch, Terri) (Entered: 10/03/2022)
10/12/2022	<u>19</u>	ANSWER to <u>17</u> Amended Complaint,, with Jury Demand filed by DePuy Orthopaedics Inc. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Bruksch, Terri) (Entered: 10/12/2022)
10/12/2022	<u>20</u>	ANSWER to <u>17</u> Amended Complaint,, with Jury Demand filed by DePuy Products Inc, DePuy Synthes Inc, Johnson & Johnson, Johnson & Johnson International, Johnson & Johnson Services Inc. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. Attorney Terri Bruksch added to party DePuy Synthes Inc(pty:dft) (Bruksch, Terri) (Entered: 10/12/2022)
10/20/2022	<u>21</u>	ELECTRONIC ORDER denying (13) Motion to Extend Time to Submit Expert Reports. Plaintiff is now in compliance with CMO 12. (Ordered by Judge Ed Kinkeade on 10/20/2022) (chmb) (Entered: 10/20/2022)

11/07/2022	<u>22</u>	Return of Service for Subpoena served on Mark Spangehl MD on 11/4/22. (sxf) (Entered: 11/08/2022)
12/01/2022	<u>23</u>	SPECIAL MASTER'S STATUS REPORT – Presently there are eighty-two cases remaining in this MDL. Sixty-six of the remaining cases are on a scheduling order where all pre-trial filings will be complete by December 30, 2022; twelve of the cases are on a scheduling order with pre-trial filings complete by March 3, 2023; and, four cases are subject to dismissal if service is not quickly accomplished. Although over half of the remaining cases in the MDL have efficiently moved forward on the scheduling order, a select few cases have required significant attention through motions practice and some parties stated inability to meet the Court's deadlines. Many of the issues raised in the motions were resolved through hearings or through agreement. In the previous 45 days, I have conducted numerous formal and informal status conferences. The transcripts and docket entry from those conferences are attached and are being docketed in all cases remaining in the MDL because they could affect outstanding legal and factual disputes among the parties in any of the cases. (Attachments: # <u>1</u> 10-18-2022 Conference Transcript, # <u>2</u> 10-19-2022 Conference Transcript, # <u>3</u> 10-23-2022 Conference Transcript, # <u>4</u> 10-28-2022 Conference Transcript, # <u>5</u> Docket Entry 1283, # <u>6</u> 11-16-2022 Conference Transcript) (Stanton, James M.) (Entered: 12/01/2022)
12/02/2022	<u>24</u>	NOTICE of the <i>Special Master's</i> rulings: Pursuant to the special master's report of December 1, 2022 [Dkt. 23], and the Court's Scheduling Order of September 16, 2022 [Dkt. 16], the parties are directed to confer and file, by December 9, 2022, a joint status report regarding any matters that require the Court's attention to comply with the Court's Scheduling Order. filed by Special Master (Stanton, James) (Entered: 12/02/2022)
12/09/2022	<u>25</u>	Joint STATUS REPORT filed by DePuy Orthopaedics Inc, DePuy Products Inc, DePuy Synthes Inc, Johnson & Johnson, Johnson & Johnson International, Johnson & Johnson Services Inc, DePuy Products Inc, Johnson & Johnson. (Bruksch, Terri) (Entered: 12/09/2022)
12/15/2022	<u>26</u>	MOTION TO EXCLUDE THE OPINIONS OF CERTAIN PLAINTIFFS EXPERTS filed by DePuy Orthopaedics Inc, DePuy Products Inc, DePuy Synthes Inc, Johnson & Johnson, Johnson & Johnson International, Johnson & Johnson Services Inc with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order)Attorney John H Beisner added to party DePuy Orthopaedics Inc(pty:dft), Attorney John H Beisner added to party DePuy Products Inc(pty:dft), Attorney John H Beisner added to party DePuy Synthes Inc(pty:dft), Attorney John H Beisner added to party Johnson & Johnson(pty:dft), Attorney John H Beisner added to party Johnson & Johnson International (pty:dft), Attorney John H Beisner added to party Johnson & Johnson Services Inc(pty:dft) (Beisner, John) (Entered: 12/15/2022)
12/15/2022	<u>27</u>	MOTION To Exclude Or Limit Defense Expert Opinions filed by Deborah J King, Michael King with Brief/Memorandum in Support. (Attachments: # <u>1</u> Exhibit(s) A – Def. Rule 26 Expert Disclosure) (Haberman, Jeffrey) (Entered: 12/15/2022)
12/16/2022	<u>28</u>	NOTICE of the <i>special mater's</i> rulings. The original complaint [Dkt. 1] was direct-filed in the Northern District of Texas pursuant to this Court's Case Management Order #1 in MDL 2244 [Dkt. 20]. By December 22, 2022, the parties are directed to file a joint status report with the Court providing their recommendations on a court of appropriate jurisdiction for trial pursuant to 28 U.S.C. § 1404. [Dkt. 20, 17]. filed by Special Master (Stanton, James) (Entered: 12/16/2022)
12/16/2022	<u>29</u>	NOTICE of amendment to correct technical error in the original docket entry. The original complaint [Dkt. 1] was direct-filed in the Northern District of Texas pursuant to this Court's Case Management Order #1 in MDL 2244 [Dkt. 20]. By December 22, 2022, the parties are directed to file a joint status report with the Court providing their recommendations on a court of appropriate jurisdiction for trial pursuant to 28 U.S.C. § 1404. [Dkt. 20, *paragraph* 17]. filed by Special Master (Stanton, James) (Entered: 12/16/2022)

12/16/2022	<u>30</u>	(Document Restricted) MOTION TO DISQUALIFY PLAINTIFFS EXPERTS DANA MEDLIN AND STEPHEN LI (Sealed pursuant to order dated 6/20/2012) filed by DePuy Orthopaedics Inc, DePuy Products Inc, DePuy Synthes Inc, Johnson & Johnson, Johnson & Johnson International, Johnson & Johnson Services Inc (Attachments: # <u>1</u> Exhibit(s) Appendix of Exhibits, # <u>2</u> Proposed Order) (Beisner, John) (Entered: 12/16/2022)
12/21/2022	<u>31</u>	NOTICE of hearing. <i>On December 2, 2022, the parties were directed to file a joint status report by December 16, 2022. By 5:00 p.m. Central on December 27, 2022, the parties are directed to file an updated joint status report. The parties are directed to attend a telephonic status conference on December 28, 2022 at 8:30 a.m. Central using the following information: Call in number 800.977.8002; Passcode 8325765#.</i> filed by Special Master (Stanton, James) (Entered: 12/21/2022)
12/21/2022	<u>32</u>	MOTION in Limine (<i>Omnibus</i>) filed by DePuy Orthopaedics Inc, DePuy Products Inc, DePuy Synthes Inc, Johnson & Johnson, Johnson & Johnson International, Johnson & Johnson Services Inc with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order) (Beisner, John) (Entered: 12/21/2022)
12/21/2022	<u>33</u>	MOTION in Limine <i>Plaintiffs' Omnibus Motion In Limine With Memorandum of Law</i> filed by Deborah J King, Michael King with Brief/Memorandum in Support. (Haberman, Jeffrey) (Entered: 12/21/2022)
12/22/2022	<u>34</u>	Joint STATUS REPORT filed by DePuy Inc, DePuy International Limited, DePuy Orthopaedics Inc, DePuy Products Inc, DePuy Synthes Inc, Johnson & Johnson, Johnson & Johnson International, Johnson & Johnson Services Inc. (Bruksch, Terri) (Entered: 12/22/2022)
12/27/2022	<u>35</u>	Joint STATUS REPORT filed by DePuy Orthopaedics Inc, DePuy Products Inc, DePuy Synthes Inc, Johnson & Johnson, Johnson & Johnson International, Johnson & Johnson Services Inc, DePuy Products Inc, Johnson & Johnson. (Bruksch, Terri) (Entered: 12/27/2022)
12/29/2022	<u>36</u>	NOTICE of the Special Master's rulings. <i>By January 3, 2023, the parties are directed to file a joint status report with a list of any filing a party desires to be included in this individual case from the docket of In re: Depuy Orthopaedics 3:11-MD-2244-K pending in the United States District Court for the Northern District of Texas. The joint status report shall provide a single list of requested filings in chronological order identified by docket number and document title.</i> filed by Special Master (Stanton, James) (Entered: 12/29/2022)
12/29/2022	<u>37</u>	Administrative Record consisting of <i>REPORTER'S TRANSCRIPT OF TELEPHONIC STATUS CONFERENCE HAD ON WEDNESDAY, DECEMBER 28, 2022</i> filed by Special Master. (Stanton, James) (Entered: 12/29/2022)
12/30/2022	<u>38</u>	RESPONSE AND OBJECTION filed by DePuy Orthopaedics Inc, DePuy Products Inc, DePuy Synthes Inc, Johnson & Johnson, Johnson & Johnson International, Johnson & Johnson Services Inc re: <u>27</u> MOTION To Exclude Or Limit Defense Expert Opinions (Beisner, John) (Entered: 12/30/2022)
12/30/2022	<u>39</u>	NOTICE of the Special Master's rulings. <i>After reviewing the pleadings on file including the parties' joint status reports [Dkts. 25, 35] and conducting a telephonic hearing on December 28, 2022 [Dkt. 37], the special master recommends transferring this case for further proceedings because this case is in the process of completing discovery and ready to be set for trial; consequently, the case would no longer benefit from inclusion in the coordinated or consolidated pretrial proceedings before this Court. Further, the special master recommends transferring the case to the District of Arizona pursuant to the recommendation in the parties' joint status report [Dkt. 34]. The following motions are currently pending in this case: Motions to Exclude [Dkts. 26, 27]; Motion to Disqualify [Dkt. 30]; and Motions in Limine [Dkts. 32, 33]. Because ruling on these motions will directly impact the claims, defenses, and presentation and admissibility of evidence at trial, the special master recommends this Court defer ruling on these motions to permit consideration by the transferee court which will have responsibility for putting the case on trial.</i> filed by Special Master

		(Stanton, James) (Entered: 12/30/2022)
12/30/2022	<u>40</u>	RESPONSE filed by Deborah J King, Michael King re: <u>26</u> MOTION TO EXCLUDE THE OPINIONS OF CERTAIN PLAINTIFFS EXPERTS (Haberman, Jeffrey) (Entered: 12/30/2022)
12/30/2022	<u>41</u>	ORDER TRANSFERRING CASES PURSUANT TO 28 U.S.C. § 1404 – Pursuant to Case Management Order #1 [Dkt. 20] and 28 U.S.C § 1404, this Court transfers the identified cases to the appropriate United States District Court as identified above. (Ordered by Judge Ed Kinkeade on 12/30/2022) (chmb) (Entered: 12/30/2022)
12/30/2022	<u>I</u>	Interdistrict Transfer to District of Arizona; notice sent via email. All documents available electronically. If receiving court cannot upload, documents are available from PACER (record does not contain restricted documents). <i>Counsel advised to file future documents in District of Arizona.</i> (cea) (Entered: 12/30/2022)
01/03/2023	<u>42</u>	Joint STATUS REPORT (<i>Third</i>) filed by DePuy Orthopaedics Inc, DePuy Products Inc, DePuy Synthes Inc, Johnson & Johnson, Johnson & Johnson International, Johnson & Johnson Services Inc, DePuy Products Inc, Johnson & Johnson. (Attachments: # <u>1</u> Exhibit(s) A – Docket List) (Bruksch, Terri) (Entered: 01/03/2023)